UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

KERRY MIDDLETON, et al.,)	
)	
Plaintiffs,)	
)	Case No. 1:13-cv-128
v.)	
)	Judge Mattice
THE BARGAIN BARN, INC.,)	Magistrate Judge Carter
)	
Defendant.)	
)	

ORDER

On April 7, 2014, United States Magistrate Judge William B. Carter filed his Report and Recommendation (Doc. 32) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(a). Magistrate Judge Carter recommended that, pursuant to Federal Rule of Civil Procedure 41, Plaintiff Tara Knight's claim be dismissed for failure to prosecute. (*Id.*).

Plaintiff Knight has filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has reviewed the Report and Recommendation, as well as the record, and it agrees with Magistrate Judge Carter's well-reasoned conclusions.

taking into account the three additional days for service provided by Fed. R. Civ. P. 6(d), the period in which Plaintiff could timely file objections has now expired.

¹ Magistrate Judge Carter specifically advised Plaintiff that she had 14 days in which to object to the Report and Recommendation and that failure to do so would waive any right to appeal. (Doc. 32 at 1 n.1); see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings"). Even

Accordingly,

- The Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's findings of fact, conclusions of law, and recommendations pursuant to § 636(b)(1) and Rule 72(b);
- Plaintiff Tara Knight's claim is hereby **DISMISSED WITH PREJUDICE**.

SO ORDERED this 25th day of April, 2014.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE